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11  
12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE DISTRICT OF NEVADA**

14 **MIGUEL RODRIGUEZ**, individually and on  
15 behalf of all others similarly situated,

16 Plaintiff,

17 v.

18 **CAESARS ENTERTAINMENT,**  
19 **INC.,**

20 Defendant.

Case No. 2:23-cv-01447-ART-BNW

Complaint filed: September 15, 2023

**PLAINTIFF'S UNOPPOSED MOTION  
TO CONSOLIDATE FOR  
PRE-TRIAL PROCEEDINGS**

1 Under Rule 42 of the Federal Rules of Civil Procedure, Plaintiff Miguel Rodriguez, through  
2 his counsel, moves as follows (the “Motion”):

3 WHEREAS, Plaintiff Rodriguez seeks to consolidate the below proposed class actions (the  
4 “Related Actions”) filed between September 15, 2023 and September 22, 2023;

5 WHEREAS, Plaintiff Rodriguez filed the first-filed action *Rodriguez v. Caesars*  
6 *Entertainment, Inc.*, 2:23-cv-01447, which was assigned to United States District Anne R. Traum;  
7 the second filed action, *Garcia v. Caesars Entertainment, Inc.*, 2:23-cv-01482, was assigned to  
8 United States District Judge Cristina D. Silva; the third filed action, *Giuffre v. Caesars*  
9 *Entertainment, Inc.*, 2:23-cv-01483, was assigned to United States District Andrew P. Gordon; and  
10 the fourth filed action, *McNicholas, et al. v. Caesars Entertainment, Inc.*, 3:23-cv-00470, was  
11 assigned to United States District Judge Miranda M. Du;

12 WHEREAS, the Related Actions allege similar claims against the same sole Defendant,  
13 Caesars Entertainment, Inc. (“Defendant”), have proposed class definitions that will encompass  
14 the same persons, and arise from the same general set of factual allegations relating to the same  
15 data breach that Defendant advised putative class members on or about in September 14, 2023;

16 WHEREAS, Plaintiffs agree that the Related Actions should be consolidated for pre-trial  
17 proceedings into the first filed action (Case No. 2:23-cv-01447) for purposes of judicial economy;

18 WHEREAS, Plaintiffs have consulted with Defendant on the filing of this Motion,  
19 Defendant was permitted to review and make suggestions to this filing, and Defendant does not  
20 oppose consolidation of the Related Actions for pre-trial proceedings, with the reservations of  
21 rights outlined below;

22 WHEREAS, Defendant does not at this time oppose procedural consolidation of the  
23 Related Actions for pre-trial proceedings under Fed. R. Civ. P. 42(a) and takes no position on any  
24 forthcoming leadership motion, while expressly reserving all of its rights, remedies, defenses,

1 objections, and legal arguments, including, without limitation, its right to move to dismiss any  
 2 individual or consolidated complaint, its right to challenge joinder or plaintiffs to one another, its  
 3 right to oppose class certification on any grounds, its rights to oppose consolidation in any other  
 4 forum or further consolidation in this forum, and its rights to file a motion or motions for summary  
 5 judgment;  
 6

7 WHEREAS, in an effort to assure consistent rulings and decisions and to avoid  
 8 unnecessary duplication of effort, all counsel for Plaintiffs in the Related Actions, without  
 9 opposition from Defendant, jointly move this Court for entry of an order consolidating the Related  
 10 Actions for pre-trial proceedings; and  
 11

12 WHEREAS, Plaintiffs from the Related Cases have coordinated and agree that it would be  
 13 duplicative and wasteful of the Court's and the parties' resources to litigate the cases separately.  
 14 *See Houghton v. Rancho Mesquite Casino, Inc.*, No. 2:23-cv-00276-CDS-DJA, 2023 WL  
 15 2633742, at \*1 (D. Nev. Mar. 24, 2023) (for the purposes of expediting trial and eliminating  
 16 unnecessary repetition, district courts have broad discretion under this rule to consolidate cases  
 17 pending in the same district).  
 18

19  
 20 NOW, THEREFORE, Plaintiffs submit the following to the Court for approval:

21 1. The following Related Actions are hereby consolidated for all pre-trial proceedings  
 22 (the "Consolidated Action").

23	<b>Abbreviated Case Name</b>	<b>Case No.</b>	<b>Date Filed</b>
24	<i>Rodriguez v. Caesars Entertainment, Inc.</i>	2:23-cv-01447	September 15, 2023
25	<i>Garcia v. Caesars Entertainment, Inc.</i>	2:23-cv-01482	September 21, 2023
26	<i>Giuffre v. Caesars Entertainment, Inc.</i>	2:23-cv-01483	September 21, 2023
27	<i>McNicholas, et al. v. Caesars Entertainment, Inc.</i>	3:23-cv-00470	September 22, 2023

2. Every pleading filed in the Consolidated Action shall bear the following caption:

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEVADA**

) **Master File No. 2:23-cv-01447**  
In re: DATA BREACH SECURITY LITIGATION)  
AGAINST CAESARS ENTERTAINMENT, INC. )  
\_\_\_\_\_)  
) **(Consolidated for pre-trial proceedings**  
) **with Case Nos. 2:23-cv-01483, 2:23-cv-**  
) **01482, and 3:23-cv-00470)**  
)  
) **CONSOLIDATED CLASS ACTION**

3. The files of the Consolidated Action shall be maintained in one file under Master File No. 2:23-cv-01447;

4. Should a case that arises out of the same subject matter of the Consolidated Action subsequently be filed in this Court or transferred from another Court, a motion may be made to consolidate with these Related Cases. Nothing in the foregoing shall be construed as a waiver of Defendant's right to object to consolidation of any subsequently filed or transferred related action;

5. Defendant does not waive its right to move to dismiss the Consolidated Action or any individual action, to oppose class certification under Fed. R. Civ. P. 23 or the appointment of class counsel on any grounds, or to oppose joinder of plaintiffs to one another including for purposes of trial;

6. Under Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure, service by e-mail transmission shall be permitted in addition to service via ECF notification;

7. Upon granting of this Motion, all deadlines in all of the Related Actions are stayed;

8. Leadership applications, pursuant to Rule 23(g)(3), shall be filed within 20 days of the date of an Order granting this Motion;

9. Plaintiffs shall file a superseding consolidated amended complaint no later than 45 days following the appointment of interim class counsel;

